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10/520,736	01/10/2005	Kazuhiko Takabayashi	09812.0202	9751

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EXAMINER	
SCHWARTZ, DARREN B	
ART UNIT	PAPER NUMBER
2435	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/520,736	TAKABAYASHI ET AL.	
	Examiner	Art Unit	
	DARREN SCHWARTZ	2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. The objection to the specification is respectfully withdrawn.

2. In light of the amendment filed regarding claim 26, the 35 U.S.C. § 103 of claim 26 is withdrawn.

3. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota et al (U.S. Pat 6606707 B1), hereinafter referred to as Hirota, in view of Smith, II et al (U.S. Pat 5884298 A), hereinafter referred to as Smith.

Re claims 1 and 9: Hirota teaches a device-to-device authentication system for authenticating when devices on a network are connected within a certain range, comprising:

a first device [Fig 1, elt 102: "PC 102"] comprising:

a first mediating device interface [Fig 1, elt 105, 107 & 108] for physically connecting a removable mediating device [Fig 1, elt 109: "memory card" / "semiconductor memory card"; Fig 5] (col 7, lines 57-67),

a second device [Fig 2, elt 201: "player"] comprising:

a second mediating device interface [Fig 2, elt 206] for physically connecting the removable mediating device [Fig 2, elt 109] (col 8, lines 40-42).

However, Smith teaches:

local environment management means for authenticating that the first device has physically connected to the removable mediating device within a predetermined period of time before or after the removable mediating device physically connected to the second device (col 33, lines 58 – col 34, line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Hirota with the teachings of Smith, for the purpose of calculating usage time of content that has been checked-out.

The combination of Hirota and Smith teaches: wherein the first device can use content when the first device is authenticated (Hirota: col 8, lines 58-67).

Re claims 2 and 10: The combination of Hirota and Smith teaches: the second device is a home server the first device is a client for making a request for the content to the home server and in response to authentication of the client, the home server provides the content and/or issues a license for the content the client (Hirota: Figs 6, 8 & 9) (Smith: Fig 2).

Re claims 3 and 11: The combination of Hirota and Smith teaches: two or more home servers are able to be installed on the network and at least one of the home servers provides the content and/or issues a license for the content to a client that is authenticated (Smith: Fig 2; col 1, lines 58-65).

Re claims 4 and 12: The combination of Hirota and Smith teaches: the client is able to be receive provision of the content and/or issuance of the license from least one of the two or more home servers on the network (Hirota: Figs 8 & 9) (Smith: Fig 2).

Re claims 5 and 13: The combination of Hirota and Smith teaches wherein upon connection to a home server on a second network, the client is not able to use the content from the two or more home servers (Hirota: col 12, line 59 – col 13, line 5).

Re claims 6 and 14: The combination of Hirota and Smith teaches the removable mediating device is capable of retaining predetermined identification information for determining that the first and the second device have connected to the removable mediating device within the predetermined period of time (Hirota: Figure 5, elts 304, 341 & 342) (Smith: col 33, lines 58 – col 34, line 8).

Re claims 7 and 15: The combination of Hirota and Smith teaches the removable mediating device comprises a memory for retaining confidential information, for determining that the first and the second device have connected to the removable mediating device within the predetermined period of time, in a secure manner (Hirota: col 33, lines 58 – col 34, line 8) (Smith: col 43, lines 22-29).

Re claims 8 and 16: The combination of Hirota and Smith teaches the confidential information is erased after the predetermined period of time elapses (Smith: col 11, lines 38-50).

Re claim 17: Hirota teaches a communication apparatus for using content on a network within a predetermined allowable range, comprising:

a mediating device interface [Fig 1, elts: 105, 107, 108; Fig 2, elt 206] for physically connecting a removable mediating device [Fig 1, elt 109] (col 7, lines 57-67) (col 8, lines 40-42); and

local environment management means for authenticating that the apparatus and a device have physically connected to the mediating device within a predetermined period of time between connections, to control the use of the content (col 33, lines 58 – col 34, line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Hirota with the teachings of Smith, for the purpose of calculating usage time of content that has been checked-out.

Re claim 18: The combination of Hirota and Smith teaches: means for providing the content and/or issuing a license for the content when the device and the apparatus are authenticated, wherein the communication apparatus operates as a home server for providing content on the network (Hirota: Figs 6, 8 & 9) (Smith: Fig 2).

Re claim 19: The combination of Hirota and Smith teaches: mean for receiving provision of the content and/or a license for the content when the device and the apparatus are authenticated, wherein the communication apparatus operates as a client

for making a request for the content to a home server on the network (Hirota: Figs 6, 8 & 9) (Smith: Fig 2).

Re claim 20: The combination of Hirota and Smith teaches: the means for receiving receives provision of the content and/or issuance of a license for the contents from the two or more home servers authenticated by the local environment management means (Hirota: Figs 6, 8 & 9) (Smith: Fig 2; col 1, lines 58-65).

Re claim 21: The combination of Hirota and Smith teaches: wherein upon connection to a second home server on a second network, the client is not able to use the content acquired from the home server on the network (Hirota: col 12, line 59 – col 13, line 5).

Re claim 22: The combination of Hirota and Smith teaches: the removable mediating device is capable of retaining predetermined identification information for determining that the communication apparatus and another device have connected to the removable mediating device within the predetermined period of time (Hirota: Figure 5, elts 304, 341 & 342) (Smith: col 33, lines 58 – col 34, line 8).

Re claim 23: Claim 23 is rejected under similar grounds as those provided in claims 7 and 15.

Re claim 24: The combination of Hirota and Smith teaches: the local environment management means authenticates that the another device, which reads same confidential information from the mediating device and/or reads confidential information within a predetermined period of time, is located in the local environment of the local

environment management means (Hirota: Figure 5, elts 304, 341 & 342) (Smith: col 33, lines 58 – col 34, line 8).

Re claim 25: Claim 25 is rejected under similar grounds as those provided in claims 6 and 16.

Re claim 26: Hirota teaches a computer-readable medium storing a program for causing a computer to execute a method for authenticating whether or not devices on a network are connected within a certain scope (col 1, lines 47-55), the method comprising:

authenticating that a first device physically connected to a removable mediating device (Fig 6, elt 101: see at least: "CAN BE READ/WRITTENW TIH A SPECIAL COMMAND ONLY BY AUTHENTICATED DEVICES" and "CAN BE READ OUT WITH A STANDARD COMMAND SUCH AS ATA OR SCSI"), allowing the first device to use content when the first device is authenticated (Fig 8).

However Smith teaches within a predetermined period of time before or after the removable mediating device physically connected to a second device (col 33, lines 58 – col 34, line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Hirota with the teachings of Smith, for the purpose of calculating usage time of content that has been checked-out.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although

the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat 6748539 B1

U.S. Pat 6842115 B1

U.S. Pat Pub 2002/0161571 A1

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S./
Examiner, Art Unit 2435
/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435